

THE MYSORE GAZETTE

Published by Authority.

BANGALORE, SATURDAY, JULY 10, 1875.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by the Judicial Commissioner, &c.

JUDICIAL DEPARTMENT.

NOTIFICATIONS.

The 9th July 1875.

The following appeals and petitions have been posted for hearing in the Judicial Commissioner's Court on the following dates :—

Nos.	APPELLANTS AND PETITIONERS.	RESPONDENTS.	Date of Hearing.
S. A. S. No. 36	... John Muhammad Sait	... Appasami Pille	... 13th July 1875.
Coorg S. A. S. No. 2	... Rudraiya	... Nanjamma and others	... Do
Mis. A. S. No. 3	... Parvati Bayi	... Krishan Narayan Dass	... Do
Petition	... Siddalingaiya Do
Do	... Sepoy Srinivasachar Do
S. A. S. No. 37	... Viranna	... Muddanna	... 15th Do
Do do 27	... Sri Shatagopaswami	... Nanjundaiya and others	... 20th Do
Do do 35	... Sannegauda	... Chinnaji Saib	... Do
Do do 32	... Ramanna	... Syed Sekendar and others	... 22nd Do

Circular Order No. 5, dated 16th June 1875.

From some cases which have recently come before the Judicial Commissioner, it is clear that the Amildars do not understand their duties as Magistrates in connection with a Police investigation and their position as to the Police. The following instructions are therefore issued for their guidance :—

1. The Amildar, when on the spot, is responsible for the proper performance of their duties by all Police Officers, whatever their rank, and he is bound to check any irregularity or misconduct, if necessary reporting it to the District Magistrate.

2. He should not interfere actively in the course of the Police proceedings or with the detective measures, except to enforce regularity and to repress abuse.

3. He should be most careful to prevent any thing like ill-treatment to a prisoner, and, *as a rule*, should insist on every prisoner being sent in to the Magistrate having jurisdiction to deal with the case as soon as possible after arrest, and within 24 hours.

4. The Amildar is competent, under Section 124, Code of Criminal Procedure, to pass a *special order* authorizing a Police Officer to detain an accused person in custody for a longer period, but this power should not be lightly exercised. It is not because a Police Officer reports that he is likely to obtain some further clue in the case either to the detection of the other offenders or to the recovery of stolen property, that an Amildar should allow a special detention of the accused, but, before he exercises the power, he should require the Police Officer to satisfy him that there are some *good* grounds, not vague and indefinite hopes, or extracting some information out of the accused person under arrest, but something substantial which would justify such detention without fear of any suspicion of ill-treatment or foul play.

5. The Amildar should recollect that the law is stringent on the subject, for, unless a Police Officer obtains a special order within 24 hours, he is bound to send the accused to the Magistrate having jurisdiction, if he believes that the accusation is well founded. The Police Officer may have applied for the special order, but if he has not obtained it within 24 hours from the arrest, he must forward the accused person.

6. If the Amildar considers that there are special reasons for passing a special order for detention of the accused person, he is bound *at once* to forward to the Magistrate of the District, or Division of the District, copy of his order and *his reasons* for making it.

7. The term for which detention is allowed should be moderate, and should be calculated according to the object which it is expected to attain. It should be as short as possible, and if the Amildar is on the spot, he should personally see that the prisoner is properly fed, and that he is well cared for, and is not ill-treated beyond what is necessary to prevent his escape.

8. An Amildar is, under Section 122, competent to record a confession, but when a prisoner is brought to him for that purpose, he should first of all exclude all Police Officers, putting the accused in charge, temporarily, of his own peons. He should take every step to satisfy himself that the confession is voluntarily made. Every word should be *accurately* recorded, including the questions put by the Amildar to ascertain correctly the meaning of words used by the prisoner, or to obtain an intelligible narrative. The statement recorded should be read over to the prisoner, and he should be at liberty to explain or add to his answers; and he should then be asked if what has been recorded is the truth. He should next sign or mark the statement, and the Amildar should then affix the certificate required by Section 122 and sign it himself.

9. An Amildar should be especially careful in taking a confession given after the accused has been detained by the Police under a special order, and should repeatedly ask the accused if the statement is voluntarily made, for confessions made under such circumstances are not readily believed by those who have to try the case.

10. In issuing these instructions, the Judicial Commissioner wishes to impress on both Amildars and Police Officers that it is the duty of both to co-operate cordially in the interest of the public service, but while an Amildar should not officiously interfere with a Police investigation, he is bound to repress irregular conduct that may come to his notice, as well as to see that the procedure laid down for the Police is duly observed, and, as a Magistrate and Judicial Officer, he must exercise an independent judgment on the matters noticed, and not allow himself to be a tool in sanctioning illegal practices.

The 29th June 1875.

Notice is hereby given that, in accordance with the rules for the destruction of old Judicial records, all the documents, exhibits, accounts, &c., filed for reference or otherwise by parties to suits from the year 1853 to 1865 in the Lower Courts, the proceedings of which have been on appeal forwarded to this Court and which are now in this Office, will be destroyed on the 1st October 1875.

Parties desirous of receiving back any documents of value which they may have filed should apply to the Head Sheristadar in person or by an authorized agent before the date specified above, describing the documents required and the record in which they have been filed.

The 30th June 1875.

Notice is hereby given that all Munsiffs in this Province who have not passed the prescribed examination will be examined on Monday the 30th August next, and the following days in the subjects hereunder specified.

- I. { 1. Evidence (Act I of 1872.)
2. Civil Procedure (Acts VIII of 1859 and XXIII of 1861.)
3. Civil Rules of Practice.
- II { 1. Indian Contract Act IX of 1872.
2. Collet's Torts and Measure of Damages.
3. Goldsmith's Manual of Equity, p. p. 55 to 249 and 267 to 301.
- III { 1. Hindu Law—Sir Thomas Strange's Work, Vol. I, and Strange's Manual.
2. Mahomedan Law—Shadagopa Charlu's Manual.

Each Candidate will be separately informed regarding the place where he should attend for the examination.

H. T. PRINSEP,
Offg. Judl. Commissioner.

INSTRUCTIONS REGARDING SEARCH WARRANTS.

Circular No. 1526—78, dated 3rd July 1875.

The law attaches so much importance to the search of houses either with or without warrant, that under Chapter XXVII no officer below the rank of an officer in charge of a Police station should ordinarily conduct a search, and if he, or any other *competent* officer is unable to do so *in person*, a subordinate officer can only do so by an order *in writing* from a superior specifying *the property to be searched for and the house or premises to be searched* (Section 379, Criminal Procedure Code).

2. In this Province a Jamedar may be held to be an officer in charge of a Police station, the sub-stations attached to his station being held to be part of it, and though under Section 136 of the Criminal Procedure Code, a Daffedar (or during the absence or illness of the latter) a Lance Daffedar could exercise the same powers, the last words of the Section clearly prohibit their being exercised by a mere peon.

3. It is always desirable however that search of premises be conducted *personally* by the most responsible Police Officer within reach.

4. In all reports of searches for property, the name and rank of the officer *personally* conducting them should be stated, and if he be below the rank of Jamedar, explanation should be given why an officer of that, or of higher rank was not available for the duty.

The 7th July 1875.

Inspector Dádá Rao of the Kunigal Taluk is granted one month's privilege leave from such date as he may avail himself of it.

The 8th July 1875.

Namkal Rao, Court Inspector, Chitaldroog, is granted seven days' privilege leave from such date as he may avail himself of it.

E. D. GOMPERTZ,
Dy. Inspector General of Police.